Reg. No. B.G. 202.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV 2 A

BANGALORE, MONDAY, OCTOBER 11, 1965
(ASVIJA 19, SAKA ERA 1887.)

No. 188

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION.

No. 10 24 L.A., dated Bangalore 1, 11th October 1965

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **City of Bangalore Municipal Corporation (Amendment) Bill, 1965**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

The City of Bangalore Municipal Corporation (Amendment) Bill, 1965

A Bill further to amend the City of Bangalore Municipal Corporation Act, 1949.

WHEREAS it is expedient further to amend the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949) ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the City of Bangalore Municipal Corporation (Amendment) Act, 1965.

(2) It shall come into force at once.

2. *Amendment of section* 19.—In section 19 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949) (hereinafter referred to as the principal Act),—

(1) in sub-section (1), for the words " two standing committees ", the words " one standing committee " shall be substituted ;

(2) in sub-section (2), for the words " unless he sooner resigns the same, till his term of office as councillor is in any manner determined ", the words " for a period of one year from the date of constitution of such standing committee, unless he sooner resigns the same or ceases to be a councillor " shall be substituted.

3. *Amendment of section* 43.—In section 43 of the principal Act,—

(1) in clause (*b*), after the word "statistics", the words "relating to the proceedings, duties or works of the Corporation or any of the municipal authorities" shall be added;

(2) in clause (c), after the words "or obtain", the words "and furnish" shall be inserted.

4. *Substitution of new section for section* 44.—For section 44 of the principal Act, the following section shall be substituted, namely :—

"44. *Inspection.*—The Government may depute any officer to inspect or examine any municipal department or office or any service or work undertaken by the Corporation or any of the municipal authorities or any property belonging to the Corporation and to report thereon and the Corporation and every municipal authority and all municipal officers and other municipal employees shall be bound to afford the officer so deputed access at all reasonable times to the premises and properties of the Corporation and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties."

5. *Amendment of section* 45.—In section 45 of the principal Act,—

(*a*) after the words and figures "under section 43 or 44", the words "or otherwise" shall be inserted; and

(*b*) after the words "as the case may be", the words "and the Corporation or the Commissioner shall comply with such order" shall be inserted.

6. *Insertion of new section* 47*A*.—After section 47 of the principal Act, the following section shall be inserted, namely :—

"47A. *Supersession of the Corporation.*—(1) If, in the opinion of the Government, the Corporation is not

competent to perform, or persistently makes default in the performance of the duties imposed on it or undertaken by it by or under this Act, or any other law, or exceeds or abuses its powers, or fails to carry out the directions given to it under the provisions of this Act or any other law, the Government may by an order published, together with a statement of the reasons therefor, in the official Gazette, declare the Corporation to be incompetent or in default, or to have exceeded or abused its powers, or to have failed to carry out the directions given to it, as the case may be, and may supersede it for such period as may be specified in the order :

Provided that before making an order of supersession as aforesaid reasonable opportunity shall be given to the Corporation to show cause why such order should not be made.

(2) When the Corporation is superseded by an order under sub-section (1),—

(*a*) all the councillors of the Corporation shall, on such date as may be specified in the order, vacate their office as such councillors without prejudice to their eligibility for election under sub-section (4) ;

(*b*) during the period of supersession of the Corporation all powers and duties conferred and imposed upon the Corporation by or under this Act or any other law shall be exercised and performed by such officer or authority as the Government may appoint in that behalf ;

(*c*) all property vested in the Corporation shall, until it is reconstituted, vest in the Government.

(3) If, after enquiry made, the Government so directs, then, notwithstanding the term of the councillors of the superseded Corporation, the period of supersession with all the consequences aforesaid shall from time to time, be continued by an order published as aforesaid until such date

as may be fixed by the Government for reconstitution of the Corporation.

(4) After the Corporation is superseded it shall be reconstituted by the election of councillors under the provisions of this Act and the rules made thereunder applicable thereto—

(*a*) if no direction has been made under sub-section (3), before the expiration of the period specified in the order of supersession under sub-section (1), and

(*b*) if a direction has been made under sub-section (3), before such date as is fixed under that sub-section for the reconstitution of the Corporation.

(5) An order of supersession of the Corporation under sub-section (1) and an order under sub-section (3) together with a statement of the reasons therefor shall be laid before both Houses of the State Legislature as soon as may be after it is made."

7. *Insertion of new section 74A.*—After section 74 of the principal Act, the following section shall be inserted, namely :—

"74A. *Provision relating to land and other properties.*—(1) Any land or other property transferred to the Corporation by the Government shall not, unless otherwise expressly provided in the instrument of transfer, belong by right of ownership to the Corporation, but shall vest in it subject to the terms and conditions of the transfer, and on the contravention of any of the said terms and conditions, the land or other property with all things attached thereto, including all fixtures and structures thereon, shall vest in the Government and it shall be lawful for the Government by order to resume possession thereof.

(2) It shall be competent to the Government from time to time, by notification, to take over any land or other

property vested or vesting in the Corporation under this Act, on such terms as the Government may determine."

8. *Amendment of section* 98.—In sub-section (3) of section 98 of the principal Act, the words, brackets and figures " but such sanction shall not be necessary for a resolution reducing the rate at which property tax is levied provided that such reduction does not contravene the proviso to sub-section (2) of section 99 " shall be omitted.

9. *Substitution of new section for section* 122.—For section 122 of the principal Act, the following section shall be substituted, namely :—

" 122. *Payment of tax.*—Every person liable to pay tax on a carriage or animal under section 118, shall, not later than fifteen days from the date of commencement of the half-year concerned, pay the amount of such tax in respect of such carriage or animal."

10. *Amendment of Schedule III.*—In Part VI of Schedule III to the principal Act,—

(1) after rule 22, the following rule shall be inserted, namely :—

" 22A. (1) The Divisional Commissioner, Bangalore Division, may, *suo motu* or otherwise call for and examine the record of any proceeding relating to assessment of any tax under this Act and these rules, by the Commissioner or the Taxation Appeals Committee, and if he considers that any order or decision therein is erroneous in so far as it is prejudicial to the interests of the revenues of the Corporation, he may, after giving the assessee an opportunity of being heard and after making or causing to be made such inquiry as he deems necessary pass such order thereon as the circumstances of the case justify including an order enhancing or modifying the assessment of any tax.

(2) For purposes of sub-rule (1), the Divisional Commissioner shall have all the powers of the Government under sections 43 and 44.";

(2) in rule 23,—

(*a*) in sub-rule (a),

(i) for the words "District Court, Bangalore Division", the words "District Court, Bangalore District" shall be substituted;

(ii) after the words and figures "under rule 22", the words, figures and letter "or any order of the Divisional Commissioner, Bangalore Division, under rule 22A" shall be inserted;

(iii) for the words "date of the decision", the words "date of such decision or order, as the case may be," shall be substituted;

(*b*) in sub-rule (c), for the words, figures and brackets "the Indian Limitation Act, 1908 (Central Act IX of 1908)" the words, figures and brackets "the Limitation Act, 1963 (Central Act 36 of 1963)" shall be substituted;

(3) in rule 27, after the words "the decision of the Taxation Appeals Committee", the words "or order of the Divisional Commissioner, Bangalore Division, as the case may be", shall be inserted:

(4) for rule 28, the following rule shall be substituted, namely:—

"28. Subject to any order of the District Court or the Divisional Commissioner or the decision of the Taxation Appeals Committee or the orders passed by the Commissioner, the assessment or demand of any tax shall be final:

Provided that where any assessment or demand is not in accordance with the assessment books, nothing in this

rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith."

11. *Amendment of Schedule* IV.—In Part III of Schedule IV to the principal Act, rules 22, 23, 24 and 25 shall be renumbered as rules 21, 22, 23 and 24 respectively.

STATEMENT OF OBJECTS AND REASONS.

No provision exists in the City of Bangalore Municipal Corporation Act, 1949 for inspection of any municipal department or office or work undertaken by the Corporation or any property belonging to the Corporation, etc., whereby Government could assess the efficient and effective working of the Corporation. Nor is there any provision empowering Government to supersede the Corporation in the event of its failure to discharge the various functions and responsibilities assigned to it under the Act. In order to ensure that the civic administration of the Corporation is carried out smoothly and in accordance with the statutory provisions of the Act, it is proposed to invest Government with the powers of inspection, supersession, etc. It is also necessary to ensure that the Government properties transferred to the Corporation are utilised for the purposes for which they are placed at the disposal of the Corporation. Further it is also necessary to empower a suitable authority to hear and dispose of taxation appeals. With these objects in view, it is proposed to amplify and revise the relevant provisions of the Act by means of the proposed amendments. Hence this Bill.

R. M. PATIL,

T. HANUMANTHAPPA,
Secretary.

Printed by the Director of Printing, Stry & Publications at the Govt. Press Blore